

By: Menendez

H.B. No. 3068

A BILL TO BE ENTITLED

AN ACT

relating to debit card surcharges.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 59, Finance Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. PROHIBITION OF SURCHARGE

Sec. 59.401. DEFINITIONS. In this subchapter:

(1) "Cardholder" means the person named on the face of a debit or stored value card to whom or for whose benefit the card is issued.

(2) "Debit card" has the meaning in Section 502.001, Business & Commerce Code.

(3) "Goods" means tangible, readily portable items offered for sale.

(4) "Merchant" means a person in the business of selling or leasing goods or services.

(5) "Services" means work, labor, or service that is purchased, including services furnished in connection with the sale or repair of goods or with the rental of goods.

(6) "Stored value card" has the meaning as defined in Section 604.001(1), Business & Commerce Code, but does not include the meaning as defined in Section 604.001(2), Business & Commerce Code.

Sec. 59.402. IMPOSITION OF SURCHARGE FOR USE OF DEBIT OR

1 STORED VALUE CARD. (a) In a sale of goods or services, a merchant
2 may not impose a surcharge on a buyer who uses a debit or stored
3 value card instead of cash, a check, credit card, or a similar means
4 of payment.

5 (b) This section does not apply to a state agency, county,
6 local governmental entity, or other governmental entity that
7 accepts a debit or stored value card for the payment of fees, taxes,
8 or other charges.

9 SECTION 2. This Act takes effect September 1, 2013.